

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAYMOND P. BIELATA, )  
Plaintiff )  
v. ) Civil Action No. 05-183 ERIE  
CRIME VICTIM CENTER OF ERIE COUNTY, )  
INC. and SUSANNE POROWSKI, )  
Defendants )

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, upon consideration of the Motion to Dismiss and/or Partially Dismiss Counts I, II, IV, V and VI of Complaint, the Affidavit of Susanne Porowski and the Brief in Support of Motion to Dismiss and/or Partially Dismiss Counts I, II, IV, V and VI of Complaint filed by defendants Crime Victim Center of Erie Count, Inc. and Susanne Porowski, and the opposition thereto filed by plaintiff Raymond P. Bielata,

IT IS ORDERED that the Motion to Dismiss and/or Partially Dismiss Counts I, II, IV, V and IV is hereby GRANTED as follows: (1) plaintiff Bielata's claims for emotional distress and punitive damages under the ADEA, set forth in Count I of the Complaint, are hereby dismissed; (2) plaintiff Bielata's claims under the ECHRO, set forth in Count IV of the Complaint, are hereby dismissed; (3) plaintiff Bielata's claims under the FMLA, set forth in Count V of the Complaint, are hereby dismissed; (4) plaintiff Bielata's claim for promissory estoppel, set forth in Count VI of the Complaint, is hereby dismissed; and, (5) plaintiff Bielata's claims against

Susanne Porowksi in her individual capacity under the ADA, ADEA and ECHRO, set forth in Counts I, II and IV of the Complaint, are dismissed.

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Sean J. McLaughlin  
United States District Judge